

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SMRP550679PC	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB 03/02890	International filing date (day/month/year) 04.07.2003	Priority date (day/month/year) 10.07.2002
International Patent Classification (IPC) or both national classification and IPC B32B27/32		
Applicant ARJOBEX LIMITED		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the opinion

II ☐ Priority

III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand 19.12.2003	Date of completion of this report 20.09.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Karlsson, L Telephone No. +49 89 2399-8424 <div style="text-align: right;">  </div>

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International application No. PCT/GB 03/02890

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-12 as originally filed

Claims, Numbers

1-22 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-22
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-22
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The present invention refers to a tamper-evident labelling material including a base layer of synthetic paper that is printable on its upper surface and an adhesive layer on the lower surface of the base layer. The base layer comprises a layer of bi-axially oriented and voided high density polyethylene (HDPE) having a density of not more than 0.6 g/cm^3 . The present claim 14 pertains to the use the defined synthetic paper for labelling materials.

2.1 It is not allowable to have references to the examples in the claims (Art.6 PCT). Accordingly, it seems as claim 13 should be deleted.

2.2 It appears to be more appropriate to define the use of the specific synthetic paper material for labelling material in the present claim 14 (Art.6 PCT)

3.1 As pointed out in the specification (cf page 3, last paragraph), D1:EP-A-4 707 060 are one of several documents disclosing the synthetic paper according to the present invention. Indeed, it seems as D1 does not only disclose the stretch-voided HDPE base layer, but recognizes also that the composite film should have a printable external surface (see D1, claims 1,6,11-13,36-39). Thus, it seems as the only features which cannot explicitly be seen in D1, are the features concerning the adhesive layer, which is provided on the lower surface of the base layer. These features cannot be considered to be inventive for the following reasons;

Firstly, it is disclosed in D1 that the film material is very well suited for the use as labelling material (see D1, claims 38,39). It must thus be considered to be quite obvious for the skilled person that such a label must be provided with an adhesive in order to be able to fix the labels onto e.g. packages, products, etc.

Secondly, it is further well-known to apply an adhesive onto a label material. E.g. D2: EP-A-0 403 161 discloses a tamper-evident film comprising the same type of base layer as in the D1 and the present claim 1 (see D2, claims 1-19). It is further revealed in D2 that the base layer may be embodied with an adhesive layer. Hence, the skilled person, starting out from D1, would from D2 get the teaching that an adhesive layer may be applied to the to the lower surface of the base layer. Thus, the combination of D1 and D2 would also result in the subject-matter of the present claims 1 and 14 (Art.33.3 PCT).

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3.2 Presently, no novel and inventive matter appear to be present in the separate features of the dependent claims with regard to the disclosures of D1 and D2. However, a combination of these features may nevertheless satisfy the requirements of Articles 33.3 PCT.